



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,878	09/14/2000	Curtis Eubanks	450100-02704	9272
20999	7590	11/30/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*ep*

**Office Action Summary**

Application No.

09/661,878

Applicant(s)

EUBANKS, CURTIS

Examiner

Vincent F. Boccio

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 14 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2616

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (US 6,600,869).

Regarding claim 6, Chen discloses and meets the recited limitations associated with a signal processing method comprising:

- specifying the form of the input signals

(based on applicant's Fig. 8, step S20, "INPUT FORMAT SAME AS OUTPUT FORMAT")

further with respect to Chen, reads on each inputted video signal format, is Identified by the EDIT system (col. 4, lines 13-33, "First, input image streams are identified", "If the format of the output stream is to be the same as that of the input stream");

- receiving an editing operation (col. 3, lines 10-55, Edit list generations, col. 4, line 43-, special effect, also see col. 5 etc.....);

Art Unit: 2616

- editing the video in accordance with an edit operation (based on the generated Edit lists);
- converting the edited into video signals into an output stream and management control of edit of input video signals associated with the forms depending on the form of the input signals specified (input signal formats are identified, converted, col. 2, "one or more sources ... transformed/converted into an intermediate representation", or format, "The intermediate format may be MPEG 1, INDEO 5.5"),
- furthermore upon editing the outputting the edited video stream is converted based on a user selected format (Fig. 3, user selected format "DV" or "MPEG" or other desired format, col. 4),
- wherein the forms are formats of the streams to edit are all identified by the system and wherein the user selects a desired output format, claim 7;
- further wherein the input signals are converted to a common format (col. 2, lines 52-55, "Once converted ... editing in the ... chosen intermediate format may be used"), which meets the recited limitation of a common format, claim 8.

Regarding claim 4, Chen is deemed to meet the limitations as recited,

- editing processing means for replacing, deleting or substituting (using an EDL list one can modify and replace, remove/delete or exchange or substitute as desired, see tables 1, modified EDIT LISTS 2, 3 & W/special effects 4, 5), considered met by the EDIT list initial creation and later modifications of the segments/clips chosen.

Claims 1-2, 5, 9-11 apparatus and medium claims with a program (col. 1, editing on a PC, also col.5, line 43-, "program module") are analyzed and discussed with respect to the claims method claims above.

Art Unit: 2616

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US 6,600,869).

Regarding claim 3, Chen discloses editing including transitions, such as dissolve and fade (col. 5, tables 4/5), provides for temporal movement (adjusting stream sequencing, Tables 1, 2, 3, 4, 5), but,

fails to particularly, disclose edit operations such as:

- cutting, pasting, re-sizing, superposition of images or texts.

The examiner takes official notice that all claimed editing functions/operations are deemed to be well known editing operations with respect to applicant's filing date,

therefore, it would have been obvious to one skilled in the art at the time of the invention to provide well known editing operations as recited in the claim 3, thereby providing more tools for editing,, thereby providing a higher level of diversity of operations, as is desirable and well known to edit and create video sequences, as is obvious to those skilled in the art.

Art Unit: 2616

Contact Fax Information

Any response to this action should be mailed to:  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication  
intended for entry)

or:

(703) 308-5359, (for informal or draft communications,  
please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal  
Park II, 2121 Crystal Drive, Arlington, VA., Sixth  
Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier  
communications should be directed to the examiner of  
record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F.  
Boccio (703) 306-3022.

Any inquiry of a general nature or relating to the status  
of this application should be directed to Customer Service  
(703) 306-0377.

Primary Examiner, Boccio, Vincent  
11/28/04

  
VINCENT BOCCIO  
PRIMARY EXAMINER